

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

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|-------------------|---|-----------------------|
| IN RE: | § | |
| | § | |
| LM ENDEAVOR, LLC, | § | Case No. 21-30987-HCM |
| | § | Chapter 11 |
| Debtor. | § | |

**APPLICATION FOR FINAL DECREE PURSUANT TO RULE 3022 OF THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE AND LOCAL RULE 3022**

This pleading requests relief that may be adverse to your interests.

If no timely response is filed within twenty one (21) days from the date of service, the relief requested herein may be granted without a hearing being held.

A timely filed response is necessary for a hearing to be held.

TO THE HONORABLE M. CHRISTOPHER MOTT, UNITED STATES BANKRUPTCY JUDGE:

Comes now, LM Endeavor, LLC, the Reorganized Debtor ("LME"), in the above case through its attorneys of record Miranda & Maldonado, P.C. and files its *Application for Final Decree Pursuant to Rule 3022 of the Federal Rules of Bankruptcy Procedure and Local Rule 3022* (the "*Application*"). In support of its *Application*, LME would show the Court as follows:

I. Procedural Background – Confirmation of Plan

1. On January 23, 2023, this Court entered the following order at **Document No.**

104:

Order Approving Debtor's Second Amended Disclosure Statement Without Condition (Doc. #79) And Confirming LM Endeavor, LLC's Second Amended Plan of Reorganization (Doc. #80) As Modified at Confirmation

Hearing (related document(s): [80](#) Second Amended Chapter 11 Plan (Small Business Debtor Case) filed by Carlos A. Miranda for Debtor LM Endeavor, LLC. (Miranda, Carlos) (related document(s): [79](#) Second Amended Disclosure Statement filed by Carlos A. Miranda for Debtor LM Endeavor, LLC.

(the “*Confirmation Order*” and “*Confirmed Plan*”). An Application for Final Decree is due by July 24, 2023.

II. Applicable Law

2. LME moves to close its Chapter 11 Case pursuant to Rule 3022 of the Federal Rules of Bankruptcy Procedure and Local Rule 3022 which respectively provide in relevant part:

Rule 3022. FINAL DECREE IN CHAPTER 11 REORGANIZATION CASE

After an estate is fully administered in a chapter 11 reorganization case, the court, on its own motion or on motion of a party in interest, shall enter a final decree closing the case.

L. Rule 3022. Motions requesting the entry of a final decree in Chapter 11 cases may be filed using the negative notice language set forth in L. Rule 9014(a). Such motions must be served as required under L. Rule 9013.

11 U.S. Code § 1101 - Definitions for this chapter

- (2)** “substantial consummation” means—
 - (A)** transfer of all or substantially all of the property proposed by the plan to be transferred;
 - (B)** assumption by the debtor or by the successor to the debtor under the plan of the business or of the management of all or substantially all of the property dealt with by the plan; and
 - (C)** commencement of distribution under the plan.

3. Factors that the Court should consider in determining whether the Estate has been fully administered include:

- (1) whether the order confirming the plan has become final;
- (2) whether deposits required by the plan have been distributed;
- (3) whether the property proposed by the plan to be transferred has been transferred;
- (4) whether the debtor or the successor of the debtor under the plan has assumed the business or the management of the property dealt with by the plan;
- (5) whether payments under the plan have commenced; and
- (6) whether all motions, contested matters, and adversary proceedings have been finally resolved.

III. Substantial Consummation of Confirmed Plan & Relief Requested

4. LME would show that this case has been substantially consummated as contemplated by 11 U.S.C. §1101(2)(c) as the factors considered relevant for closing of the case have occurred as illustrated below:

- (1) **whether the order confirming the plan has become final.** The *Confirmation Order* was entered January 23, 2023. As of the date of this *Application*, the *Confirmation Order* has become final.
- (2) **whether deposits required by the plan have been distributed.** There were no deposits required by the *Confirmed Plan* to be distributed.
- (3) **whether the property proposed by the plan to be transferred has been transferred.** There was no property to be transferred under the terms of the *Confirmed Plan*.
- (4) **whether the debtor or the successor of the debtor under the plan has assumed the business or the management of the property dealt with by the plan.** As provided for under the *Confirmed Plan*, LME has assumed and continued with management of the property dealt with by the *Plan*.

(5) **whether payments under the plan have commenced.** Payments under the *Confirmed Plan* have commenced. The *Effective Date* of the *Plan* was projected to be thirty days from the date an order confirming plan was entered which was February 22, 2023.

(6) **whether all motions, contested matters, and adversary proceedings have been finally resolved.** All contested matters have been finally resolved.

5. LME represents that all post confirmation *Quarterly Reports* due to date are on file with this Court or will be filed prior to any hearing on this *Application*.

6. LME represents that all *Quarterly Fees* due to date have been paid to the UST. Any *Quarterly Fees* which accrue as of the date of this *Application* will be paid prior to the closing of the case and the entry of the *Final Decree*.

WHEREFORE, PREMISES CONSIDERED, LME respectfully requests that upon a hearing on the merits in this matter, this Court enter a *Final Decree* providing for the following:

- a. A determination that LME's case has been substantially consummated as defined by § 1101(2)(c) as distributions under the *Plan* have commenced and continue to be timely distributed;
- b. That this Chapter 11 Case be closed; and
- c. For such further relief deemed fair and equitable by this Court to which LME may show itself to be justly entitled.

Respectfully submitted,

MIRANDA & MALDONADO, P.C.

/s/ Carlos A. Miranda
Carlos A. Miranda III, Esq.
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(915) 587-5001 (Facsimile)
cmiranda@eptxlawyers.com

Attorneys for Attorneys for LM Endeavor, LLC

CERTIFICATE OF SERVICE

I, Carlos A. Miranda, do hereby certify that on April 25th, 2023, a true and correct copy of the foregoing *Application for Final Decree* was served by electronic mail in compliance with this Court's ECF System to the following Parties: Office of the United States Trustee, P.O. Box 1539, San Antonio, Texas 78295-1539; CCI, and the *Attached Creditor Matrix*.

/s/ Carlos A. Miranda
Carlos A. Miranda, Esq.
Attorneys for LM Endeavor, LLC

Label Matrix for local noticing
0542-3
Case 21-30987-hcm
Western District of Texas
El Paso
Tue Apr 25 16:45:42 CDT 2023
U.S. BANKRUPTCY COURT
511 E. San Antonio Ave., Rm. 444
EL PASO, TX 79901-2417

LM Endeavor, LLC
P.O. Box 290706
El Paso, TX 79929-0706

All Year Funding, LLC
5309 13th Ave.
Brooklyn, NY 11219-3805

United States Trustee (SMG311)
U.S. Trustee's Office
615 E. Houston, Suite 533
P.O. Box 1539
San Antonio, TX 78295-1539

Allegheny Resources, LLC
9980 S 300 W
Ste 200
Sandy, UT 84070-3654

Allegheny Resources, LLC
c/o Billy 'Bill' Max Hammer
P.O Box 8587
Round Rock, TX 78683-8587

Allegheny Resources, LLC
c/o Kimberly Guest
108 W. Front St. #115
De Kalb, TX 75559-1308

Bank of the West
475 Sansome St.
19th Floor, NC-Tri-19-A
San Francisco, CA 94111-3172

C T Corporation System
Attn SPRS
330 N Brand Blvd. Suite 700
Glendale, CA 91203-2336

City of El Paso
c/o Don Stecker
Weston Centre, 112 E. Pecan St., Ste. 22
San Antonio, TX 78205-1512

Corporation Service Company
P.O Box 2576
Springfield, IL 62708-2576

(p)DE LAGE LANDEN FINANCIAL
ATTN LITIGATION & RECOVERY
1111 OLD EAGLE SCHOOL ROAD
WAYNE PA 19087-1453

De Lage Landen Financial Services, Inc.
c/o Jameson & Dunagan, PC
5429 LBJ Freeway, Ste. 700
Dallas, TX 75240-2610

GECU
P.O. Box 20998
El Paso, TX 79998-0998

Internal Revenue Service (IRS)
Centralized Insolvency Office
P. O. Box 7346
Philadelphia, PA 19101-7346

(p)KABBAGE INC DBA KSERVICING
925B PEACHTREE STREET NE
SUITE 383
ATLANTA GA 30309-3918

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P.O. Box 3200
New York, NY 10116-3200

Lincoln & Morgan
One America Plaza
600 W Broadway
San Diego, CA 92101-3311

Meged Funding Group Corp
12 Zeck Ct
Suffern, NY 10901-3426

Ocean Funding Source
325 Division Ave.
Ste 201
Brooklyn, NY 11211-7348

Red Target LLCdbaSCJ Commercial Financial Se
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Padfield & Stout, LLP
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Fort Worth, Texas 76102-3792

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Suite 200
San Diego, CA 92121-1996

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939 Hawkins Blvd.
El Paso, TX 79915-1219

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c/o Kemp Smith LLP
Attn: James W. Brewer
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El Paso, Texas 79901-1401

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El Paso, TX 79999-2800

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T & T Staff Management
Attn: Hector Enriquez
511 Executive Center Blvd.
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(p)TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
 REVENUE ACCOUNTING DIV - BANKRUPTCY SECTION
 PO BOX 13528
 AUSTIN TX 78711-3528

Texas Workforce Commission
 TWC Building - Regulatory Integrity Divi
 101 East 15th Street
 Austin, TX 78778-0001

U.S. Small Business Administration
 10737 Gateway West
 300
 El Paso, TX 79935-4910

U.S. Small Business Administration
 200 W. Santa Ana Blvd., Ste 740
 Santa Ana, CA 92701-7534

United States Attorney General
 Department of Justice
 950 Pennsylvania Ave., N.W.
 Washington, DC 20530-0009

United States Attorney, Civil Process Clerk
 Department of Justice
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 San Antonio, TX 78216-5512

United States Trustee - EP12
 U.S. Trustee's Office
 615 E. Houston, Suite 533
 P.O. Box 1539
 San Antonio, TX 78295-1539

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 615 E. Houston, Ste. 533
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 San Antonio, TX 78295-1539

Verliance, Inc.
 43525 Ridge Park Dr.
 300
 Temecula, CA 92590-3682

Webster Bank, National Association, successo
 420 Throckmorton Street, Suite 1210
 Fort Worth, TX 76102-3792

Carlos A. Miranda
 Miranda & Maldonado, P.C.
 5915 Silver Springs
 Bldg. 7
 El Paso, TX 79912-4126

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
 by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

De Lage Landen Financial Services
 1111 Old Eagle School Rd.
 Wayne, PA 19087

(d)De Lage Landen Financial Services, Inc.
 1111 Old Eagle School Road
 Wayne, PA 19087

Kabbage, Inc.
 925B Peachtree Street NE
 Suite 383
 Atlanta, GA 30309-3030

Texas Comptroller of Public Accounts
 Revenue Accounting Div - Bankruptcy Sect
 P.O. Box 13528
 Austin, TX 78711-3528

End of Label Matrix
 Mailable recipients 40
 Bypassed recipients 0
 Total 40